

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

PERATON, INC.,

Plaintiff,

v.

RAYTHEON COMPANY,

Defendant.

**Case No. 1:17cv979
(Circuit Court of Fairfax County, Virginia
Case No. 2017-11089)**

**MEMORANDUM IN SUPPORT OF
UNCONTESTED MOTION TO SEAL DECLARATION OF JAMES WINNER**

Plaintiff Peraton, Inc. (“Peraton”), by and through undersigned counsel, and under Local Rule 5(D), submits this memorandum in support of its uncontested motion to seal declaration of James Winner, respectfully stating as follows:

1. In connections with motions to seal, the Fourth Circuit requires: (1) public notice that allows an opportunity to object to the filing; (2) considerations of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000).

2. All requirements are met here. Peraton has provided the appropriate public notice to allow an opportunity to object. Peraton has considered less drastic alternatives and—due to the nature of the competitive harm asserted in its papers—has been unable to formulate an approach less drastic than sealing. Nonconfidential descriptions of what material has been filed under seal are included in the Declaration of James Winner. By way of summary:

a. Exhibit 1 is correspondence from Raytheon that may be proprietary to Raytheon.

- b. Exhibit 2 is a teaming agreement between Peraton and Raytheon that discusses the parties' workshare and other terms that, if known to competitors, could provide a competitive advantage against Peraton.
- c. Exhibit 3 is an email chain between Peraton and Raytheon that identifies members of Peraton and Raytheon's competitive team that, if known to competitors, could provide a competitive advantage against Peraton.
- d. Exhibits 4-6 are correspondence between Peraton and Raytheon relating to teaming matters that, if known to competitors, could provide a competitive advantage against Peraton.

3. Finally, both parties have been careful to limit any disclosure of the specifics of these forthcoming solicitations in connection with a U.S. government agency.

WHEREFORE, Peraton requests leave to file under seal unredacted copies of the exhibits to the Declaration of James Winner in response to Defendant Raytheon Company's Objection to Plaintiff's Notice of Hearing (ECF No. 9).

Respectfully submitted,

/s/
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Counsel for Plaintiff Peraton, Inc.

CERTIFICATE OF SERVICE

I certify that on this 6th day of September, 2017, I caused a copy of the foregoing to be filed electronically with the Court's CM/ECF system, which will send a Notice of Such Filing to all counsel of record authorized to receive notice of such filing, including:

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